

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEVA PHARMACEUTICALS USA, INC.,
TEVA PHARMACEUTICAL INDUSTRIES LTD.,
and NOVOPHARM, LTD.,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES,
FOURNIER INDUSTRIE ET SANTÉ, and
LABORATOIRES FOURNIER S.A.,

Counterclaim Defendants.

C.A. No. 02-1512 (***)

CONSOLIDATED

IMPAX LABORATORIES, INC.,

Counterclaim Plaintiff,

v.

ABBOTT LABORATORIES,
FOURNIER INDUSTRIE ET SANTÉ, and
LABORATOIRES FOURNIER S.A.,

Counterclaim Defendants.

C.A. No. 03-120 (***)

CONSOLIDATED

IN RE TRICOR DIRECT PURCHASER
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

C.A. No. 05-340 (***)

CONSOLIDATED

IN RE TRICOR INDIRECT PURCHASER
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

C.A. No. 05-360 (***)

CONSOLIDATED

STIPULATION AND PROPOSED ORDER RE SCHEDULE

IT IS HEREBY STIPULATED by the Plaintiffs and the Defendants, subject to the approval of the Court, that the following modification to the schedule (*see, e.g.*, D.I. 521 in C.A. No. 02-1512) will apply:

1. No later than May 25, 2007, Teva shall complete its production of documents as agreed in correspondence between Teva and Abbott. No later than June 20, 2007, Impax shall complete its production of documents and responses to interrogatories to the extent agreed upon between Impax and Fournier or, if agreement cannot be reached, to the extent ordered by the Court.

2. Abbott and Fournier, on or before April 18, 2007, may serve an opposing expert report to contradict or rebut evidence on the same subject matter identified by another party in an expert report served pursuant to the earlier scheduling orders entered in this action, except that defendants Abbott and Fournier may serve the expert reports of Margaret E. Guerin-Calvert, Richard Gilbert and Sally A. Look on or before June 29, 2007. At the time of submitting the June 29 reports, Abbott and Fournier shall advise the plaintiffs of available dates for the depositions of those experts. The dates provided by Abbott and Fournier for their economist experts shall be between July 9, 2007 and July 30, 2007. If plaintiffs do not take depositions at that time, dates will be provided falling before December 14, 2007.

3. Any party serving an initial expert report on December 15, 2006 to which Abbott and Fournier respond either on April 18 or June 29 may serve a reply report on or before August 10, 2007 to contradict or rebut evidence on the same subject matter, except that Teva may serve the reply report of Iain Cockburn on or before August 31, 2007 to contradict or rebut evidence on the same subject matter of his initial report.

4. Without prejudice to any party's position on which party has the burden of proof on the issue of product improvements, Impax and Teva may serve expert reports responsive to Abbott's and Fournier's expert reports on product improvements on or before July 13, 2007 and at that time shall advise Abbott and Fournier of available dates for the depositions of the experts.

5. Abbott and Fournier may serve on August 24, 2007 (also without prejudice as in paragraph 4) expert reports responsive to Impax's and Teva's expert reports on product improvements served pursuant to paragraph 4 above.

6. The parties shall work in good faith to promptly provide proposed expert deposition dates for all experts whose reports have been served as of the date of this Order.

7. Depositions of the experts shall be completed by December 14, 2007. There shall be only one deposition for each report filed by each expert. All plaintiffs shall take a single deposition of each Abbott and Fournier expert, per each report filed by such expert. The deposition of an expert is not limited to one day of seven hours; the parties shall negotiate in good faith to establish time limits for individual expert depositions.

8. To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), it shall be made by motion no later than February 5, 2008. Answering briefs shall be served on or before February 26, 2008. Any party wishing to file a reply brief in support of a *Daubert* motion may ask the Court at the time of briefing for permission to file a reply brief. Absent such permission, reply briefs shall not be filed in support of a *Daubert* motion.

9. All case dispositive motions, and an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before February 19, 2008. Answering

briefs shall be served and filed by March 31, 2008 and reply briefs shall be served and filed by April 28, 2008.

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SO ORDERED this 8 day of June, 2007.


UNITED STATES MAGISTRATE JUDGE

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